



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LATERAL RECOVERY, LLC, et al.

Plaintiffs,

- against -

QUEEN FUNDING, LLC et al.

Defendants.
-----X

21-CV-9607 (LGS) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

As discussed during the discovery conference held via Teams on December 8, 2022, regarding the parties' applications at Dkts. 60, 62, and 65:

1. Plaintiffs' 30(b)(6) Deposition Notice: The parties agreed that the scope of Plaintiffs' 30(b)(6) notice to Defendants will be narrowed, consistent with the protocol agreed upon for Defendants' production of information regarding merchants other than Plaintiff. Pursuant to that protocol: (i) Defendants will identify the number of merchant agreements they have entered into for the relevant time period; (ii) Defendants will identify the number in which merchants requested reconciliation; (iii) the parties will meet and confer about whether all or a sample, and if so, what size sample, of the reconciliation-request accounts will be the subject of fulsome production by Defendants. The 30(b)(6) deposition will take place after the reconciliation-request account documents are produced.

2. Plaintiffs' Privilege Log: By **December 19, 2022**, Defendant will file a letter of no more than 3 pages further addressing the issue of Plaintiffs' assertion of attorney-client privilege over FTE communications. Plaintiffs shall file any response of no more than 3 pages by **December 22, 2022**.

3. Plaintiffs' Subpoenas to BOA and Actum: The scope of these subpoenas will be narrowed. Information sought as to audits of merchants other than Plaintiffs will be limited to the subject of "overpulls" and "ACH authorizations." The time frame for that information will be limited to 1/1/2017 – 1/1/2019. Other information will be limited to the time frame of 1/1/2017 to the date Plaintiffs filed the instant action.

4. Sufficiency of Defendants' Document Production: Defendants will respond to Plaintiffs' concerns regarding Defendants' document production, and the parties will meet and confer to resolve or narrow any remaining disagreements.

5. Defendants' Redactions for Lack of Relevance: Defendants must reproduce all documents without redactions on the basis of relevance.

6. Defendants' Privilege Log: Defendants must provide an amended privilege log that provides all information required by the Federal Rules of Civil Procedure, including but not limited to subject matter, addressees, and recipients.

7. Schedule: The fact discovery deadline is extended by 4 months. All subsequent deadlines are extended commensurately.

The Clerk of Court is respectfully requested to close the letter motion at Dkt. 60.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: December 8, 2022
New York, New York

Copies transmitted this date to all counsel of record.